

**FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF MEETING
MAY 2, 2006**

CALL TO ORDER

The regular meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Committee members present were Tony Sagami, Gina Klempel, Scott Hollinger, Mark Hash, and Denny Rea. Traci Tull, Eric Giles, Kirsten Holland, and Nicole Lopez-Stickney represented the Flathead County Planning & Zoning Office (FCPZ).

There were approximately 8 people in the audience.

**APPROVAL OF
MINUTES**

Klempel made a motion seconded by Hollinger to approve the April 4, 2006 meeting minutes.

The motion was carried by quorum.

**REED/ZONING
VARIANCE
(FZV 06-04)**

A request by Richard and Erin Reed for a Zoning Variance to property located in the West Valley Zoning District. Specifically, the variance is to Section 3.34.050(4e), (density performance standards), of the Flathead County Zoning Regulations. The applicant wishes to divide 15 acres of land at the end of Three Mile Drive. The property is located at 1790 Three Mile Drive.

STAFF REPORT

George Smith of the Flathead County Planning & Zoning Office reviewed Staff Report FZV 06-04 for the Board.

APPLICANT

Richard Reed talked about their property, what they've built on it so far, and future plans. He doesn't want the properties to be deeded together so they could be sold separately in the future.

PUBLIC COMMENT

None.

STAFF REBUTTAL

Staff said no negative responses were received.

Hollinger asked Staff what constitutes a maintained road.

Smith (*Staff*) replied plowed, graded, and maintained by the County.

APPLICANT REBUTTAL

Reed clarified some things for the Board.

BOARD DISCUSSION

Staff handed a deed to the Board for their review.

The Board discussed the deed and talked about road vs. right-of-way.

The applicant told the Board he wanted to put in a gate to keep out ATV's but would grant access to Stoltze.

The Board and Staff discussed why the properties would need to be sold together.

Hash wasn't sure what the applicant's would gain by obtaining the variance if the properties were deeded to be sold together.

The Board discussed deed restrictions, having the property surveyed, and the possibility of a boundary line adjustment.

Klempel asked a question about the report containing information that conflicted with what the applicant said.

MOTION

Hollinger made a motion seconded by Sagami to adopt Staff Report FZV 06-04 as findings of fact and grant the variance.

BOARD DISCUSSION

Hash said he couldn't vote in favor based on the hardship.

Hollinger said it's not a matter of hardship; the road simply divides the land.

Hash said he could still build the house but wants the variance so he can sell it later. He asked if there are alternatives to the variance.

The Board and Staff discussed, at length, the different provisions and issues with this request.

ROLL CALL

On a roll call vote the motion passed 3-2 with Rea and Hash dissenting.

CONDITIONAL USE PERMIT/EVERGREEN WATER & SEWER (FCU 06-06)

A request by Flathead County Water and Sewer District No. 1- Evergreen for a Conditional Use Permit to construct a water storage tank within the Evergreen and Vicinity Zoning District. Currently there is an existing water storage tank on the site with a million-gallon storage capacity. The applicants propose to construct a second storage tank on the site to augment the storage volume of the existing tank, with a two million-gallon storage capacity. The property is located off Mission Trail.

STAFF REPORT

Rebecca Shaw of the Flathead County Planning & Zoning Office reviewed Staff Report FCU 06-06 for the Board.

Hash asked Staff about the lighting condition.

APPLICANT

Andy Heide, of Carver Engineering, represented the applicant. He said the site is suitable for the proposed use. The site was

tested for bank stability and the tests proved it's stable. He said there would be 20-ft setbacks on all sides of the water tank. The tank would exist on a site that has natural buffers so it wouldn't have a huge visual impact. He said they are willing to add some landscape buffering and said the new tank would be earth-tone colors to blend in. He said they do have another site as a backup plan but said it would have more impact than putting it where it's already an accepted use. Allowing an additional tank to be installed would allow for repairs and repainting of the original (and only) water storage tank. He brought up the condition regarding the one-year time limit and said realistically this project wouldn't commence until construction time next year.

PUBLIC COMMENT

Deana Eisenman, 2608 Mission Trail Way, said the new tank would be constructed right behind her backyard and would not only block her view, but drop her property value about \$15k.

STAFF REBUTTAL

None.

APPLICANT REBUTTAL

Andy Heide talked about the storage capacity, emergency storage, and the disadvantages of having storage tanks at different locations.

BOARD DISCUSSION

The Board, applicant, and members of the audience talked about the project and some of the issues.

Shaw (*Staff*) talked about some of the conditions and the zoning regulations in regards to timeline of the project.

Hollinger asked if the structure could be buried all the way around it.

Applicant replied it's a space limitation.

Hash asked if the tower could be buried on the "back up" property.

Applicant said no.

MOTION

Hash made a motion seconded by Hollinger to adopt Staff Report FCU 06-06 as findings of fact, as modified, and grant the issuance of a conditional use permit.

BOARD DISCUSSION

Sagami addressed a concerned neighbor to let her know he was going to vote in favor due to public safety, but he understood her concerns.

ROLL CALL	On a roll call vote the motion passed unanimously.
CONDITIONAL USE PERMIT/FLATHEAD JANITORIAL & RUG SERVICE (FCU 06-07)	A request by Flathead Janitorial and Rug Service for a Conditional Use Permit to allow for the construction of a new building for expansion of their existing business within an R-1 (Suburban Residential) Zoning District. The property is located at 4 Hathaway Lane.
STAFF REPORT	Rebecca Shaw of the Flathead County Planning & Zoning Office reviewed Staff Report FCU 06-07 for the Board.
APPLICANT	<p>Mark Noland, business owner for over 20 years, said he needs a bigger building but they are not adding additional staff.</p> <p>Klempel asked if any additional chemicals would be used.</p> <p>Noland said no, nothing would be changing.</p>
PUBLIC COMMENT	None.
STAFF REBUTTAL	Shaw said paving would normally be requested but given the nature of the area it wouldn't be appropriate. The existing roads are gravel and paving could negatively affect runoff.
APPLICANT REBUTTAL	<p>Klempel asked the applicant if he planned on landscaping to the south along the highway.</p> <p>He said he offered to fix the hill up but the County didn't want him to touch it.</p>
MOTION	Sagami made a motion seconded by Hollinger to adopt Staff Report FCU 06-07 as findings of fact, as amended, and grant the conditional use permit.
BOARD DISCUSSION	None.
ROLL CALL	On a roll call vote the motion passed unanimously.
OLD BUSINESS	None.
NEW BUSINESS	<p>Sagami asked if Staff could put their full name at the end of Staff Reports instead of initials so the Board knows who the planner is.</p> <p>Rea would like to lessen the time it takes to read through the staff report. He said the Board already reads them, prior to the meeting, and would like additional info briefed instead of</p>

having Staff read the reports word for word.

Hash said the report is read for the public as well and would like to see it read but perhaps summarized.

The Board and Staff discussed options for presenting projects. Rea would like to be able display presentations on the projector screen.

Grieve (*Staff*) said we could work on making presentations more visually comprehensive.

The Board members asked about getting updated regulations.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m. The next meeting will be held at 6:00 p.m. on June 6, 2006.

Dennis Rea, President

Jill Goodnough, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 6/6/06